4. (Amended) A method as claimed in Claim 1 wherein the chimeric nucleotide coding sequence is synthesized <u>by first synthesizing a coding sequence</u> for a 5' [end] <u>portion</u> of the coding region <u>for the foreign protein</u> and <u>then joining the synthesized 5' portion</u> [the chimeric coding region is then joined] to a 3' portion of the native coding region for the foreign protein.

17. (New) A transgenic plant comprising in its genome a gene coding for the amino terminal toxin encoding portion of the delta endotoxin from <u>Bacillus thuringiensis</u>, the gene including appropriate regulatory sequences effective in plant cells to express a coding region so that cells of the plant produce the delta endotoxin toxin protein, the coding region of the gene including a synthesized 5' region of between 25 and 132 codons in length constructed from nucleotide sequences selected from those codons determined to be efficiently expressed in the cells of plants and a 3' region comprising the native sequence from <u>Bacillus thuringiensis</u>.

Remarks

By an Office Action dated February 28, 1990 in the file of the above-identified patent application, the Examiner in charge of this application has rejected the specification and pending claims under 35 U.S.C. §112 for inadequacy of the written description, and all of the claims under 35 U.S.C. §103 over a combination of prior art references. Based on the changes made to the application above, and the arguments presented here, the Examiner is requested to consider the merits of the claims of this patent application once again. The grounds of rejection or objection raised by the Examiner are addressed in order below.

<u>Objection to claim 4 and 5</u>

The Examiner objected to claims 4 and 5 under 35 U.S.C. §112, second paragraph for indefiniteness based on the word "for" in line 2 of claim 4. Although the reason for this rejection was not understood by the applicants, the claim has been reworded to attempt to cure any perceived indefiniteness. It is believed that the revised claim 4 is now fully definite and without typographic error.